

REMARKS

Applicant has amended the specification to provide proper antecedent basis for the claimed subject matter.

The Examiner has objected to the use of the word fin to describe features on the corrugated member of the invention described in the application. Applicant respectfully submits that the term corrugated means shaped into folds or parallel and alternating ridges and grooves. The present invention uses a sheet of metal which is shaped into a pattern of alternating ridges and grooves which is sandwiched between two side walls.

When used to describe a member in a corrugated heat exchanger fin is a term of art that describes the metal sheet which separate the hot and cold fluids between continuous and convoluted exchange plates, preventing cross leakage between the fluids at any point along its surface. The term fin, when used in a corrugated heat exchanger, is taught in 3,552,488 Grill, Plate-Fin Heat exchanger column 1 lines 3,11,26.

The examiner refers to Grill's corrugated member 2 defining a fluid separating walls and added corrugated fins 13. In the present invention Figure 4 shows a side wall and a corrugated fin which are analogous to member 2 and corrugated fins 13 on the invention taught by Grill. The term Fin is also used to describe components of a heat exchanger in the invention taught by Fukuoka et al, U.S. 5,564,497 a copy of which is enclosed. The invention taught by Fukuoka used corrugated fins to separate flat tubes through which a fluid would flow. The corrugated fins taught by Fukuoka are similar to the members of the present invention which are called fins because both are used to separate the flow of two fluids.

Applicant respectfully submits that there are two definitions of fins, the definition which the examiners proffers and the definition which the applicant, Grill and Fukuoka use to identify

sheet metal which is shaped into folds or parallel and alternating ridges and grooves which is used to separate fluids. Thus, the "separating surfaces" referred to by the Examiner in the office action can clearly be described as fins.

The Examiner has rejected Claims 1-8 and 13-17 as being anticipated by Fischer. Claims 1 and 13-17 have been canceled from the application and claim 2 has been amended to be dependant upon claim 10, which the Examiner has allowed. Claims 3-8 are ultimately dependant upon claim 2.

Claim 9 has been canceled.

Claim 18 has been amended to correct an error, changing relevant to released.

CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,



Thomas A. O'Rourke, Esq.

Reg. No. 27,665

Bodner & O'Rourke

425 Broadhollow Road

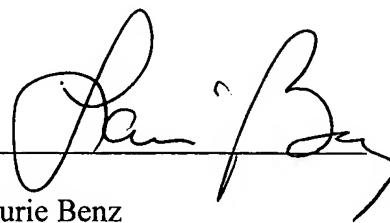
Melville, New York 11747

(631) 423-2700



CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on this 26th day of July 2004.



Laurie Benz